

## **REMARKS/ARGUMENTS**

In the Office action, claims 1, 2, and 6-27 were rejected under 35 U.S.C. 103(a) as being obvious over Knieser et al. (U.S. Patent No. 6,583,374). Additionally, claims 1 and 6-27 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-17, 20-22, 28 and 29 of Knieser et al. Further, claims 1-22, 26 and 27 were rejected under 35 U.S.C. 112, second paragraph, for indefiniteness due to certain antecedent basis issues pertaining to claim 1.

Also, the Examiner indicated that the information disclosure statements submitted on 2/4/02 and 4/29/02 were not considered because copies of the cited non-patent literature documents were not provided.

In response to the Office action, the Applicants provide the following comments.

### Comments Regarding Information Disclosure Statement

The Applicants respectfully submit that copies of all non-patent literature documents cited in the Information Disclosure Statements submitted on 2/4/02 and 4/29/02 were in fact provided along with the respective PTO Forms 1449. This is confirmed by the return receipt postcards returned by the Patent Office in relation to these two submissions, copies of each of which are attached hereto.

Consequently, it appears that the copies of these cited references were apparently lost or became separated from the file. To facilitate the Examiner's consideration of these references, the Applicants are submitting herewith an additional copy of each of the non-patent literature documents cited in these two Information Disclosure Statements. The Applicants respectfully request the Examiner consider these documents in their entirety and also request that the Examiner contact the Applicants' attorney at the number listed below in the event that one or more of the references cited in the various Information Disclosure Statements submitted by the Applicants still appear to be missing or cannot be considered for some other reason.

### Amendments to Claims 1 and 23 to Overcome Rejections Under 35 U.S.C. 112

The Applicants appreciate the Examiner's careful scrutiny of the claims and indication that certain minor changes to the claims should be made. In response to the

Examiner's comments, the Applicants have amended each of claims 1 and 23 so that these claims refer consistently to first and second locations on the element rather than first and second positions. Additionally, the Applicants have also amended claim 14 to correct a minor error. None of these amendments involves the addition of new matter, and none of these amendments are being made for reasons substantially related to the patentability of the claims, since each of the amendments is rather being made merely to correct minor errors in the claims. In view of these amendments, the Applicants submit that the rejections under 35 U.S.C. 112 have been overcome.

#### Rejections Under 35 U.S.C. 103(a) and Related Submission of Assignment

The Applicants are submitting herewith an assignment document showing that the present Application is assigned to Rockwell Automation Technologies, Inc., which is also the assignee for Knieser et al. Because the present Application and Knieser were both, at the time the invention was made, subject to an obligation of assignment to the same person, namely, Rockwell Automation Technologies, Inc., the Applicants submit that the obviousness rejection is overcome as outlined by the Examiner in the Office action.

#### Double Patenting Rejection and Related Submission of Terminal Disclaimer

The Applicants' attorney has executed, the Applicants are submitting herewith, a terminal disclaimer that it is believed overcomes the double-patenting rejection in view of Knieser. The Applicants respectfully request that the Examiner contact the Applicants' attorney at the number listed below if for some reason this terminal disclaimer fails to overcome this rejection.

\* \* \*

#### Conclusion

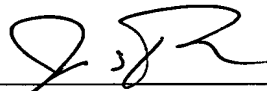
Given the Applicant's Remarks and Amendments and the additional documents being submitted herewith, the Applicant respectfully requests reconsideration and allowance of the present Application.

The Applicant wishes to invite the Examiner to telephone the Applicant's attorney at the number listed below if discussion with the Applicant's attorney would be of assistance to the Examiner or further the prosecution of the present Application.

Aside for the assignment recordation fee for recording the assignment document being submitted herewith, no additional fees for filing this paper are believed to be due. However, the Commissioner is hereby authorized to charge an additional fee due or to credit any overpayment to deposit account no. 17-0055.

Respectfully submitted,  
Richard D. Harris et al.

By: \_\_\_\_\_



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